

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Lisa Kyser

Plaintiff(s)

vs.

Javitch Block, LLC, et. al.

Defendant(s)

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16-cv-1164

Case No. 16-cv-1164

District Judge: Edward A. Sargus

Magistrate Judge: Elizabeth Preston Deavers

RULE 26(f) REPORT OF PARTIES

(to be filed no fewer than seven (7)

days prior to the Rule 16 Conference)

1. Pursuant to Fed.R.Civ.P. 26(f), a meeting was held on 01/23/2017 and was attended by:

Emily White

, counsel for plaintiff(s)

, counsel for plaintiff(s)

Lori Brown

, counsel for defendant(s) Reimer

Kevin Hartman

, counsel for defendant(s) Javitch Block

2. **Consent to Magistrate Judge.** The parties:



unanimously consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. §636(c).



do not unanimously consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. §636(c).

3. **Initial Disclosures.** The parties:



have exchanged the initial disclosures required by Rule 26(a)(1);



will exchange such disclosures by 02/23/2017



are exempt from such disclosures under Rule 26(a)(1)(E).



have agreed not to make initial disclosures.

4. **Jurisdiction and Venue**

a. Describe any contested issues relating to: (1) subject matter jurisdiction, (2) personal jurisdiction and/or (3) venue:

n/a

b. Describe the discovery, if any, that will be necessary to the resolution of issues relating to jurisdiction and venue:

n/a

c. Recommended date for filing motions addressing jurisdiction and/or venue:

n/a

5. **Amendments to Pleading and/or Joinder of Parties**

a. Recommended date for filing motion/stipulation to amend the pleadings or to add additional parties: n/a

b. If class action, recommended date for filing motion to certify the class: n/a

6. **Recommended Discovery Plan**

a. Describe the **subjects** on which discovery is to be sought and the nature and extent of discovery that each party will need:

The parties anticipate serving written discovery requests as to the allegations in the complaint as well as the Defendants answers & affirmative defenses. Plaintiff may depose the 30(B) representatives of Defendants and Defendant may depose the Plaintiff as well as other persons with knowledge identified in discovery regarding allegations & claims in the complaint and the Defendants' defenses to same.

b. What **changes** should be made, if any, in the limitations on discovery imposed by the Federal Rules of Civil Procedure or the local rules of this Court?

n/a

c. The case presents the following issues relating to disclosure or discovery of **electronically stored information**, including the form or forms in which it should be produced:

No issues are anticipated with regard to ESI

d. The case presents the following issues relating to claims of **privilege or of protection as trial preparation materials**:
Defendants allege privilege and work-product protection. The parties will work in an attempt to resolve these issues informally. They may seek a protective order.

i. Have the parties agreed on a procedure to assert such claims **AFTER** production?

☐

No

☒

Yes

☐

Yes, and the parties ask that the Court include their agreement in an Order.

e. Identify the discovery, if any, that can be **deferred** pending settlement discussion and/or resolution of potentially dispositive motions:

n/a

f. The parties recommend that discovery should proceed in **phases**, as follows:

n/a

g. Describe the areas in which **expert testimony** is expected and indicate whether each expert will be specially retained within the meaning of Fed.R.Civ.P. 26(a)(2):

The parties do not anticipate utilizing experts at this time

i. Recommended date for making **primary expert designations**:

n/a

ii. Recommended date for making **rebuttal expert designations**:

n/a

h. Recommended discovery **completion date**: 09/01/2017

7. **Dispositive Motion(s)**

a. Recommended date for filing dispositive motions: 10/01/2017

8. **Settlement Discussions**

- a. Has a settlement demand been made? yes A response? settlement discussions are ongoing
- b. Date by which a settlement demand can be made: _____
- c. Date by which a response can be made: _____

9. **Settlement Week Referral**

The earliest Settlement Week referral reasonably likely to be productive is the

- ☐ March 20____ Settlement Week
- ☐ June 20____ Settlement Week
- ☒ September 20____ Settlement Week
- ☐ December 20____ Settlement Week

10. **Other matters for the attention of the Court:**

Signatures:

Attorney(s) for Plaintiff(s):

/s/ Emily White
Ohio Bar# 0085662
Trial Attorney for Plaintiff

/s/ Marc E. Dann
Ohio Bar# 0039425
Trial Attorney for Plaintiff

Ohio Bar# _____
Trial Attorney for _____

Ohio Bar# _____
Trial Attorney for _____

Attorney(s) for Defendant(s):

/s/ Lori Brown
Ohio Bar# 0071480
Trial Attorney for Defendant Reimer

/s/ Kevin Hartman
Ohio Bar# 0090738
Trial Attorney for Defendant Javitch

Ohio Bar# _____
Trial Attorney for _____

Ohio Bar# _____
Trial Attorney for _____